IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 25193 of 1998

Between:

K. R. Chary S/o. K. Laxmaiah
R/o. 11-18-31, Saroornagar, Hyderabad.

..... PETITIONER

AND

1 The Addl. Industrial Tribunal-cum-Addl. Labour Court Hyderabad.
2 The Depot Manager A.P.S.R.T.C., Hyderabad-II Depot Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order, direction or writ, particularly one in the nature of Writ of Certiorari and after calling for the records quash the Award of respondent No.1 in I.D.No.104/1986 dated 24.8.1987 and consequently direct the respondent no.2 to reinstate the petitioner into service with continuity of service, full back wages and all other attendant benefits.

Counsel for the Petitioner: Mr. G.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: None appeared

The Court made the following :

ORAL ORDER:

This writ petition is filed challenging the Award passed by the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad in I.D.No.104 of 1986, dated 24-8-1987.

The petitioner was appointed as a Conductor in the respondent-Corporation in the year 1980 and was removed from service on 25-4-1985 after conducting a detailed enquiry into the misconduct alleged against him. However, on a dispute being raised and on failure of the conciliation proceedings, the matter was referred to the Government and the Government, in turn, referred it under Section 10(1)(c) of the Industrial Disputes Act,1947 (for short 'the Act') to the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad for resolving the following question:

> "Whether the Depot Manager, APSRTC, Dilsukhnagar is justified in removing Sri K.R.Chary, ED 87769, Ex-Conductor from service ?
>
> If not, to what relief, the workman is entitled ?"

Before the Tribunal, no oral or documentary evidence was adduced on behalf of the petitioner-workman. However, on behalf of the management, Exs.M1 to M21 were marked. After scanning through the evidence placed before it, the Tribunal came to the conclusion that the enquiry was conducted properly and the charges were proved in full and the petitioner does not deserve any sympathy or consideration and

as such, the Award was passed upholding the order of removal passed against the petitioner. This Award was passed way back on 24-8-1987. The present writ petition was filed on 13-7-1998 i.e. after more than 11 years. There was no proper explanation for the delay caused in approaching this Court. Even on the facts of the case, it does not inspire confidence of this Court to interfere with the Award of the Tribunal. The Tribunal found at paragraph-13 of its Award as under:

> "Of course, it was contended on behalf of the petitioner that with regard to charge 3, a perusal of the S.R. Ex.M-2 indicates that the petitioner closed the S.R. as mentioned in charge No.3 at stage Nos.12,11,10. In fact, he also issued number of tickets while at stage No.13 closing No.461, the checking staff closing No.466. Likewise Re.1/- denomination was closed 892 and the checking staff closed 898, for Re.1.50 denomination was closed as 918, the checking staff closed as 925. Like this, it can be repeated for all the denomination tickets.....Of course, the learned Advocate placed a strong reliance on Ex.M1, namely, the statements of the passengers on S.R. Evidently, Ex.M1 was not seized and the Conductor continued the S.R. Ex.M2, as started from stage No.10/9 at 6-40. Evidently, Ex.M2 was seized by the checking staff and it was endorsed so on Ex.M1 that 358/58080 dt.10.9.84 was 'confiscated'. Hence, leisurely, the petitioner got the statement of the passengers written on this Ex.M1. Hence, even this point does not deserve any consideration, especially in view of the number of passengers in the bus at that time being only 25. Hence, all the charges are found as proved.

Further, the Tribunal noticed that earlier to the present misconduct, the petitioner was inflicted with two punishments for similar misconduct. The findings of the Tribunal cannot be said to be arbitrary or perverse and do not call for interference at the hands of this Court, apart from the fact that the writ petition is filed with irretrievable laches of more than a decade. On both the counts, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

05-11-2004

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Addl. Industrial Tribunal-cum-Addl. Labour Court Hyderabad.
2 The Depot Manager A.P.S.R.T.C., Hyderabad-II Depot Hyderabad.

3. 2CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

4. 2CD copies.